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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,498	10/11/2000	Steven G. LeMay	IGT1P038	6189

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EXAMINER
MARKS, CHRISTINA M

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/689,498	Applicant(s) LEMAY ET AL. MF	
	Examiner C. Marks	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 November 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55 and 57-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *46-50,53-55 and 57-60* is/are allowed.

6)☒ Claim(s) *1-45, 51-52 and 61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

The objection to the abstract for the usage of a self-evident clause has been withdrawn due to the correction in the amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8-10, 37-38, 41, 43, 45, 51 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Clever (US Patent No. 4,237,483).

Clever discloses a system with a master controller that generates a sequence of presentation frames (Column 3, lines 65-67) and stores each frame in a frame buffer storage device (Column 3, lines 65-67) outside of the point-of-sale terminal via a communication line (FIG 1, reference 23). Data from the frames, stored in a suitable file structure (Column 4, line 34), can then be selected and incorporated into a second history frame by providing an editing and modifying computer with digital transaction data from the buffer (Column 4, lines 1-4) and the editing computer may incorporate other transaction history data identifiers such as prices, totals, subtotals, and clerk/user ID (Column4, lines 15-20) and stores all transaction data and transaction data identifiers into a suitable file structure for further processing (Column 4, lines 33-35). The frame can then be output to a display device (Column 5, lines 23-25, FIG 1,

reference18). If the frame is desired not be used, it is simply not recorded onto the final memory (Column 4, lines 68: Column 5, lines 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 7, 39, 40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clever (US Patent No. 4,237,483) in view of Cumbers (US Patent No. 6,234,900).

What Clever discloses has been discussed above and is incorporated herein.

Clever discloses that images from the area surrounding an operator are incorporated into the history presentation. Clever also discloses that the surveillance system for various point-of-sale systems. However, Clever does not disclose incorporating the actual image of the user into the history, nor does he specifically disclose the point-of-sale terminal to be that of a video slot game, a video keno game, a video poker game, a video pachinko, or a video blackjack.

Cumbers discloses a device that records a player image from a slot game in order to easily identify the player using the machine and to detect fraud (Abstract). The device of Clever is also used in surveillances in order to detect fraud. It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Cumbers in using surveillance in slot machines to detect fraud as well as capturing the player image, into the fraud detection system of Clever. One skilled in the art would be motivated to do so in order to more easily identify the user of the device thus aiding in preventing fraud on slot machines as well as aiding in the identification of those who commit fraudulent acts.

Claims 11-16, 18, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clever (US Patent No. 4,237,483) in view of Alcorn et al. (US Patent No. 6,149,522).

What Clever discloses has been discussed above and is incorporated herein.

Clever does not incorporate means to generate a game history frame signature to identify the game history frame.

Clever further discloses information can be captured but it will not be stored if it does not pass an evaluation control program test, which is criteria to determine if a frame needs storing.

Alcorn et al. teach that in order for a gaming system to be acceptable for casino use, the system must provide both security and authentications (Column 1, lines 42-44). Alcorn et al. further teach that a means to accomplish the security would to provide a program or fixed data set for a casino game, computing a first abbreviated bit string unique to the program or fixed data set, encrypting the first abbreviated bit string to provide an encrypted signature of the fixed data set, and storing the fixed data set and the signature together in a memory device (Column 4, lines

49-54). Alcorn et al. suggest methods to accomplish this encrypting such as a hash function (Column 1, lines 57). Alcorn et al. furthermore discusses the encryption process as used for the signature encryption (Column 3, lines 23-25) which is axiomatically appended to the data it is encrypting.

It would have been obvious to one skilled in the art at the time of invention to incorporate the validation process as taught by Alcorn et al. to the information display of Clever in order to provide a secure information history where the data can not be corrupted thus creating a reliable and secure history presentation.

Claims 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Clever (US Patent No. 4,237,483) in view of Alcorn et al. (US Patent No. 6,149,522) further in view of Acres (US Patent No. 6,319,125).

What Clever and Alcorn et al. disclose has been discussed above and is incorporated herein.

In regards to claim 17, Acres teaches that although the processor could possibly be run exclusively from internal memory, in a preferred embodiment, the processor utilizes a combination of internal and external memory devices to increase the available memory space and to provide more flexibility (Column 21, lines 45-49).

Further, it would also have been obvious to one skilled in the art at the time of invention to add an element of external memory to Clever in view of Alcorn et al. as taught by Acres in order to increase the storage capacity of the internal memory.

Claims 19, 24, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clever (US Patent No. 4,237,483) in view of Alcorn et al. (US Patent No. 6,149,522) in view of Acres (US Patent No. 6,319,125).

What Clever and Alcorn et al. disclose has been discussed above and is incorporated herein.

Acres teaches that it is desirable to increase available memory space in such a gaming device. In the manner of the memory management claimed, it is well known in the art that a common algorithm to manage the contents of the memory is the Least Recently Used (LRU). In the LRU algorithm, data is stored in memory in a cache or queue of some type by the time it was last used, being that the oldest data is stored last. When required, the LRU can then remove data from its memory by removing the last item from its cache, thus removing the oldest data when the memory requires it to do so. In order for the LRU to be able to implemented properly, it is axiomatic to the function that it check the memory available before implementing any action on that memory.

It would have been obvious to one skilled in the art at the time of invention to incorporate the LRU algorithm into the memory device of Clever. One skilled in the art would be motivated to do this in order to not have to replace the memory device when it is full. By discarding the oldest or least recently used piece of data, it would ensure that newer data would not accidentally be discarded before older data.

Furthermore regarding claims 19 and 44, it is well known in the art that anything that is in image or textual format can be printed. Therefore, it would have been obvious to one skilled in the art at the time of invention to print the image format of the game history frame in order to

keep a backup record in a permanent paper file of any critical or controversial action, which required the use of accessing such history frame.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clever (US Patent No. 4,237,483) in view of Alcorn et al. (US Patent No. 6,149,522) further in view of Acres (US Patent No. 6,319,125) further in view of Sanford II et al. (US Patent 6,021,196).

What Clever and Alcorn et al. disclose has been discussed above and is incorporated herein.

Regarding claims 20 and 21, Acres teaches that it is desirable to increase available memory space in such a gaming device. Two well-known methods in the art for saving the space an image takes are color-reduction and compression. Especially well known, compression algorithms are used everywhere from compressing music files into .mp3s or movies into .mpeg, or reducing the size of files by "zipping" them. It would have been obvious to one skilled in the art to use such a well-known technique on the device of Clever in order to conserve valuable memory space when storing the image data. Sandford II et al. state that color reduction methods analyze a Truecolor image to determine a smaller number of colors that can be used to reproduce an approximation to the original publication quality image. Color reductions to 256 or fewer colors are used commonly for digital images intended for display (Column 1, lines 31-36).

Claim 25-26 and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clever (US Patent No. 4,237,483) in view of Alcorn et al. (US Patent No. 6,149,522).

What Clever and Alcorn et al. disclose has been discussed above and is incorporated herein.

Through the teachings of Alcorn et al. into the system of Clever, a sequence of game presentation frames are generated, selected, and incorporated into a history frame presented on a display separate from the machine wherein the history frame comprises a signature to identify the frame.

It would be axiomatic to the functionality of using a signature to encrypt the validity of a frame that the signature must be validating upon decryption in order to assess that it is indeed the valid and correct file.

Alcorn et al. teach that in order for a gaming system to be acceptable for casino use, the system must provide both security and authentications (Column 1, lines 42-44). Alcorn et al. use a casino game data set and a unique signature to accomplish this. Further, an authentication procedure is used to validate the data (Column 9, line 41) and regarding claim 33 this process is defined as decryption. Even more detailed regarding claim 36, Alcorn et al. state the casino game data set checking phase proceeds by computing a second abbreviated bit string from the stored casino game data set using the same hash function, decrypting the stored encrypted signature to recover the first abbreviated bit string, and comparing the first and second abbreviated bit strings to determine whether the two strings match. If a match does occur, the casino game data set is deemed authentic; if there is no match, authentication is denied and game play is prohibited (Column 4, lines 60–67: Column 5, lines1-4). Further, it would have been obvious to produce an error message if authentication is denied.

Regarding claim 26, it is disclosed in Clever that the storage device can hold a number of history presentations on the magnetic storage device (Column 5, lines 5-10). Though the exact number is not disclosed, it is known that a magnetic storage medium can hold a great number of footage and it is disclosed the tape contains the transactions deserving of a detailed review. Being that the tape includes the footage frames corresponding to an act at a point-of-sale terminal, one of ordinary skill would understand that the magnetic tape would axiomatically hold over ten presentations.

Furthermore regarding claims 34 and 35, it has been disclosed it is desirable to increase available memory space in such a gaming device. Two well-known methods in the art for saving the space an image takes are color-reduction and compression. Especially well known, compression algorithms are used everywhere from compressing music files into .mp3s or movies into .mpeg, or reducing the size of files by "zipping" them. It would have been obvious to one skilled in the art to use such a well-known technique on the device of Clever in order to conserve valuable memory space when storing the image data. Sandford II et al. state that color reduction methods analyze a Truecolor image to determine a smaller number of colors that can be used to reproduce an approximation to the original publication quality image. Color reductions to 256 or fewer colors are used commonly for digital images intended for display (Column 1, lines 31-36).

With that in point, it is axiomatic to the function of these algorithms that a means to undo them be provided if the original image is to be displayed. Thus, decompression [RE: Claim 34] and color restoration [RE: Claim 35] would be required.

Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clever (US Patent No. 4,237,483) in view of Alcorn et al. (US Patent No. 6,149,522) further in view of Slye et al. (US Patent No. 5,395,242).

What Clever and Alcorn et al. disclose has been discussed above and is incorporated herein.

Clever discloses a system where user transactions are recorded as well as other data for presentation in a history frame. Clever does not disclose that different types of transactions can be recorded.

Slye et al. disclose a system where different types of games are recorded and stored in a database. These games are presented on a display device that is mounted to the gaming machine (see FIG 5). Slye et al. disclose games that simulate sporting events, fantasies, or historical events (Column 2, lines 27-29) are being used on the system. The same method of displaying is disclosed for all types of games.

Both the systems of Slye et al. and Clever record an event that has occurred for playback at a later time. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Slye et al. into the system of Clever to allow for the system of Clever to record transactions of different types, thus extending its versatility in surveillance. Furthermore, the type of display used is a design choice and absent a showing of criticality would have been obvious to one of ordinary skill in the art.

Claims 52 rejected under 35 U.S.C. 103(a) as being unpatentable over Clever (US Patent No. 4,237,483) in view of Slye et al. (US Patent No. 5,395,242).

What Clever discloses has been discussed above and is incorporated herein.

Clever does not disclose using the system to show both maintenance and a game presentation.

However, Slye et al. disclose the use of the recording and surveillance device to function in two separate modes (Column 2, lines 32-42). The first mode plays back recorded game data and allows the user to simulate the game as it was recorded and the second mode allows the playing of the game. Thus the disclosure of Slye et al. allows for multiple modes of display to be presented on a single machine.

One of ordinary skill in the art would be motivated to incorporate the teachings of Slye et al. wherein a system can display multiple modes into the system of Clever. By allowing the system to display multiple modes, a greater convenience would be provided to the user as by incorporating multiple modes, monitoring and surveillance could be increased while the cost would be decreased, as a separate system would not be necessary for additional modes.

Allowable Subject Matter

Claims 46-50, 53-55, and 57-60 are allowed.

In regards to clams 46-50, while the system of Clever does select from a series of video frames a frame having critical information (Column 4, lines 65-68) and can store the game history frame to a memory device while adding information from a second frame. This entire presentation is stored collectively on a memory device. The frame cannot be stored if it is deemed not critical. However, Clever does not disclose of the frame being flushed from the buffer and therefore related game information is not temporarily stored, displayed, and flushed in

the manner claimed by applicant. There is no motivation to use this system where the related data is displayed and flushed while storing the main data as a means for surveillance and storage. Therefore, the claims read over the prior art of Clever.

Claims 53-55 and 57-60 define over the prior art of Clever in that the system of Clever does not account for a multiple events conducted on a multiple number of machines. Clever does allow one ore more history frames stored in memory to be retrieved where the frames contain game history information for one or more events. However, each of these events in the history frame come from the same machine and are not data obtained from two machines as disclosed by applicant. There is no motivation to incorporate data from one or more machine into the system of Clever, as the purpose of Clever is to monitor activity on a single machine.

Response to Arguments

Applicant's arguments with respect to claims 11-45 and 53-61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,231,443: Method to replay a game that has been captured by the player. The game is replayed on the same screen in a different play mode (as opposed to a gaming mode) where a player can control the replay to view it at their enjoyment.

US Patent No. 6,438,696: Electronic Point of Sale terminal that comprises a network where each POS monitors its own operation. Upon a predetermined security-related event, the PoS indicates the signal over the network and the control computer responds to the alert message by activating a video camera to record a view of the PoS terminal along with the corresponding data.

US Patent No. 4,521,014: Video game apparatus that can take a digitalized image of the users face and use the image within the game.

US Patent No. 6,425,825: Integrates the image as well as speech parameters of a patron into an audiovisual presentation. The image can later be manipulated to change the appearance of the image and can be smoothly integrated into an existing audiovisual presentation.

US Patent No. 6,435,969: Portable gaming machine having image capture, image manipulation and image incorporation. The device has a camera that can take a picture of the user at which time the user can manipulate or print the image before it is incorporated into an animation or game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Friday (7:30AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace can be reached on (703)-308-1148. The fax phone numbers for

the organization where this application or proceeding is assigned are (703)-872-9302 for regular communications and (703)-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

cmm
cmm
January 12, 2003

MICHAEL O'NEILL
PRIMARY EXAMINER